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REMARKS**Claim Rejections -35 USC § 112**

Claim 14 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite due to the use of the terms "qualitative" and "quantitative", which were not sufficiently defined.

These terms have been deleted and replaced with "marginal." What marginal conditions are is described on page 7, second paragraph of the specification.

Claim Rejections -35 USC § 102

Claims 9-16 were rejected under 35 U.S.C. 102(e) as being anticipated by Breed (US Patent No 6,738,697).

Claims 9, 12 and 13 are herewith canceled, and instead, claim 14 is rewritten to include all the limitations of claims 9, 12 and 13 to make it an independent claim.

Applicant disagrees that the subject matter of claim 14 is anticipated or even inherent to Breed's disclosure, i.e. that Breed's invention would be concerned with the predetermined qualitative and quantitative conditions to be met in order for the evaluation of the detected conditions and the anomalies induced by a defect and typical of a situation take place as claimed.

In column 32, starting in line 15 of the Breed patent, a diagnostic vehicle system is described. While the difference of sensor signals during normal and defective operation is described in detail, and even a change of such signals over time due to wear is mentioned, any reference to limiting the evaluation to specific conditions is absent. This is remarkable because the 90-column specification apparently leaves nothing unmentioned that Breed could fathom to be incorporated into his system. Applicant believes that reading the subject matter of claim 14 into Breed would only be possible in improper hindsight.

Claims 10, 11, and 15 have been amended to depend on claim 14 instead of one of the claims that have been canceled.

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Claim Rejections -35 USC § 103

Claim 17 was rejected under 35 U.S.C. 103(a) as being unpatentable over Breed in view of Beck et al. (US Publication No 2002/0 107625).

Since claim 17 is dependent on claim 15, which in turn depends on claim 14, which applicant believes to be patentable, claim 17 is deemed patentable as well.

Conclusion

Since claim 14 has been cleared of indefinite language and since the subject matter of claim 14 is deemed to be novel and non-obvious and all other pending claims now directly or indirectly depend on claim 14, applicant believes that all pending claims are now allowable.

The USPTO is herewith authorized to charge the fee for the extension for response within the first month as well as any other applicable fees to deposit account No.50-2570.

Respectfully submitted,



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